

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

DOLORES GRADISKA,

Civil Action No.:
22-cv-

Plaintiff,

-against-

NOTICE OF REMOVAL

TARGET STORES, INC., TARGET
CORPORATION, and WESTBURY HOLDING
COMPANY,

Defendants.

-----X

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:

Defendants, TARGET CORPORATION i/s/h/a TARGET STORES, INC.
and TARGET CORPORATION, ("Target") and WESTBURY HOLDING COMPANY,
by their attorneys, SIMMONS JANNACE DELUCA, LLP, upon information
and belief, respectfully petitions the Court, pursuant to 28 U.S.C.
§ 1441, as follows:

1. On December 7, 2021, the above-captioned civil action
was commenced and is now pending in the Supreme Court of the State
of New York, County of Nassau. A trial has not yet been had
therein. A copy of the Summons and Complaint is annexed as **Exhibit**
"A". Defendants served an answer to plaintiff's Complaint. A
copy of the Answer is annexed as **Exhibit "B"**.

2. The action seeks monetary damages for injuries allegedly
suffered by plaintiff, DOLORES GRADISKA, allegedly caused by
defendant. Plaintiff's complaint sounds in negligence.

3. The action involves a controversy between citizens of

different states, in that: (a) plaintiff is a citizen of the State of New York; and (b) defendants are now, and were at the time the action was commenced, incorporated pursuant to the laws of the State of Minnesota with their principal place of business in Minnesota.

4. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between defendants and plaintiff. In addition, the amount in controversy exceeds \$75,000.

5. This Notice of Removal is being filed within thirty (30) days after receipt by defendants of plaintiff's Response to Combined Demands dated April 22, 2022 which alleges damages in the amount of \$1,000,000.

6. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Nassau promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this Notice of Removal, defendants do not waive any defense which may be available to them, specifically including, but not limited to, their right to contest *in personam* jurisdiction

over defendant, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, defendants pray that the above-captioned action now pending in the Supreme Court in the State of New York, County of Nassau, be removed therefrom to this Court.

Dated: Hauppauge, New York
May 19, 2022

Yours, etc.,

SIMMONS JANNACE DELUCA LLP

By: /s/ Sal F. DeLuca

Sal F. DeLuca

Attorneys for Defendants

TARGET CORPORATION i/s/h/a

TARGET STORES, INC.

and WESTBURY HOLDING COMPANY

Office and P.O. Address:

43 Corporate Drive

Hauppauge, NY 11788

(631) 873-4888

TO: BRET KAUFMAN, ESQ.
JAGHAB, JAGHAB & JAGHAB, P.C.
Attorneys for Plaintiff
Office & P.O. Address:
176 Mineola Boulevard
Mineola, New York 11501
(516) 747-8830